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June 14, 2023

Honorable Kiyo A. Matsumoto
United States District Court, Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11202

Re: **1567 56th Street, LLC et al v. Spitzer et al, 1:22-cv-04873-KAM-RML**

Honorable Judge Matsumoto:

We represent Plaintiffs 1567 56TH Street, LLC, 1569 56TH Street, LLC, and Rabbi Shlomo Braun.

Pursuant to Your Honor's directive by electronic Order dated June 13, 2023 the Plaintiff responds to the defendants pre-motion letter [ECF 48].

On June 9, 2023, Plaintiffs filed a second amended complaint understating that same was allowed as a matter of course pursuant to FRCP 15(a)(1) [ECF 47]. After reviewing the defendants pre-motion letter, the record, and the answer previously filed [ECF 26], it is apparent that Plaintiffs exercise of FRCP 15(a)(1) is inadvertently out of place.

Wherefore, Plaintiffs withdraw the second amended complaint without prejudice, and reserve their right to seek leave for further amendments.

The undersigned sincerely apologizes for any misunderstanding or inconvenience¹ caused for the withdrawn filing.

Respectfully submitted,

/ s / Levi Huebner

Levi Huebner

¹ The defendants called on June 10, 2023, a Saturday, when my office is always closed, and on Monday, June 12, 2023 when I was on trial. By the time I returned to the office, the defendants pre-motion letter had already been filed. Regardless, in light of the Plaintiffs, withdrawal, the status quo has been restored.